

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Mark A. PRELAS, et al.

PCT/US99/00380

Appln. No.: 09/600,279

Group Art Unit: Unknown

Confirmation No.: UNKNOWN

Examiner: Unknown

Filed: July 14, 2000

For: SOLID STATE ELECTRIC GENERATOR USING RADIONUCLIDE-INDUCED  
EXCITON PRODUCTION

**SUBMISSION OF EXECUTED DECLARATION**

**ATTN: BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", for the above application, Applicant respectfully submits herewith the Declaration for the above identified application properly executed by the inventors (See attached Petition).

A check for the statutory fee of \$130.00 is attached. Please also charge any underpayment or credit any overpayment to Deposit Account No. 19-4880. A duplicate copy of this paper is attached.

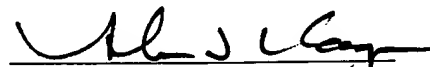
Respectfully submitted,

02/07/2001 LLANDGRA 00000021 09600279

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130.00 DP

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3213  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860  
Date: February 5, 2001



Alan J. Kasper  
Registration No. 25,426

09/600279

**ATTN: OFFICE OF ASSISTANT COMMISSIONER  
FOR PATENTS****CRYSTAL PARK 1, ROOM 520  
PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Mark A. PRELAS, et. al.

International Application No. PCT/US99/00380

U.S. Appln. No. 09/600,279

Group Art Unit:

Filed: July 14, 2000

Examiner:

For: SOLID STATE ELECTRIC GENERATOR USING RADIONUCLIDE-INDUCED  
EXCITON PRODUCTION

**SUBMISSION UNDER § 37 CFR 1.425(a) OF DECLARATIONS ON BEHALF OF JOINT  
INVENTORS WHO CANNOT BE FOUND OR REFUSE TO JOIN IN AN  
INTERNATIONAL APPLICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney received a "Notice of Incomplete Application," Form PCT/DO/EO/905, mailed August 4, 2000 and a copy of the Notice is attached hereto.

The Notice indicates that the application is incomplete because an Oath or Declaration of the Inventors had not been filed with the application in compliance with 37 CFR 1.497 (a) and (b). In compliance with that requirement, herewith submitted are executed declarations of Mr. Mark A PRELAS, Mr. John SVED, Mr. Howard JENNINGS and Mr. Andrew MOUNTFORD. Also submitted are the Surcharge as required under 37 CFR 1.492(e) and a Petition for Extension of Time and fee, as provided by 37 CFR 1.136(a). Finally, this Submission includes statements by the undersigned, Alan J. Kasper, Esq., who is admitted to practice before the USPTO and is knowledgeable about facts relevant to the present submission and the efforts to reach the third inventor, Mr. Allister DANN. There is no Declaration of Mr. Allister DANN, as he cannot be reached or found.

The international application names five individuals as joint inventors, Mr. Mark A PRELAS, Mr. John SVED, Mr. Howard JENNINGS, Mr. Andrew MOUNTFORD and Mr. Allister

DANN. An undivided ownership interest in each of the international application and this present application is held by (1) BRITISH NUCLEAR FUELS, PLC ("BNFL"), by assignments of inventors JENNINGS, MOUNTFORD and DANN, dated December 18, December 15 and December 20, 2000, (2) Astrium GmbH ("Astrium", formerly Daimler Chrysler Aerospace), by assignment of inventor John SVED, dated December 20, 2000, and (3) HIRA Associates ("HIRA"), by assignment of inventor Mark PRELAS dated December 17, 2000. On information and belief, BNFL, Astrium and HIRA are completely independent organizations and their joint ownership resulted from a joint development project governed by an agreement that provided for an equal and undivided ownership. Under the joint agreement, Astrium was responsible for managing the preparation, filing and prosecution of the above referenced invention.

Since first being requested to assist in the preparation and prosecution of the above international and U.S. applications, the undersigned has communicated with Mr. John SVED in his role as an employee of Astrium responsible for the management of the filing and prosecution of the above referenced applications. Recently, the undersigned also has been in contact with Mr. Howard JENNINGS as the conduit for communication with the inventors who were employees of BNFL, including Messrs. MOUNTFORD and DANN. On information and belief, none of Messrs. JENNINGS, MOUNTFORD or DANN are currently employed by BNFL. Further, the undersigned does not have a current address of Mr. DANN and, on information and belief, Mr. Jennings does not have Mr. DANN's address or other means of communication either.

The undersigned has forwarded requests for execution of the required declaration to Mr. SVED, Mr. PRELAS and Mr. JENNINGS. As evidenced by the enclosed declarations, the Declarations of Messrs. SVED, PRELAS, JENNINGS and MOUNTFORD could be obtained, however, the declaration of Mr. DANN could not be obtained (although an executed Assignment was obtained). A copy of an email dated December 12, 2000 from the undersigned's secretary, Sandra Swann, to Mr. SVED, Mr. PRELAS and Mr. JENNINGS requesting execution of the declaration. The email was not sent to Messrs. MOUNTFORD or DANN because Mr. JENNINGS had been the focal point for having the declarations executed by Messrs. MOUNTFORD and DANN. A copy of the email is attached (**EXHIBIT A**)

Subsequently, the undersigned requested Sandra Swann to forward a further urgent request to Mr. DANN via his only known previous address at BNFL, and to forward a further urgent

request to Mr. JENNINGS to find Mr. DANN. Accordingly, an email was sent to Mr. JENNINGS again (**EXHIBIT B**) and a copy of the declaration was sent by FEDERAL EXPRESS to Mr. DANN at his last known address (**EXHIBIT C**) as follows:

Allister DANN  
c/o British Nuclear Fuels Ltd.  
Risley, Warrington, Cheshire  
WA3 6 AS, ENGLAND

As of the end of the day, February 5, 2001, no reply has been received from Mr. DANN. Moreover, Mr. JENNINGS responded with an email to Sandra Swann indicating an inability to find Mr. DANN or having any address or telephone number. (**EXHIBIT D**)

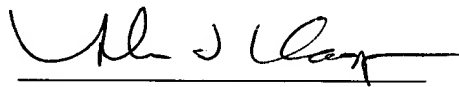
Acceptance of the attached Declarations of the four joint inventors, Mr. Mark PRELAS, Mr. John SVED, Mr. Howard JENNINGS and Mr. Andrew MOUNTFORD as fully compliant with 37 CFR 1.425(a) and in order to secure a filing date, is respectfully requested.

A continuing effort will be made to obtain the signature of Mr. DANN. It is believed that Mr. DANN will be a cooperative inventor but, as a result of possible recent moves, his forwarding address is not presently known.

Please charge the fee for this petition and any other fee related to the compliance with the Notice of Incomplete Application to Deposit Account No. 19-4880. A duplicate copy of this Paper is enclosed.

Respectfully submitted,

SUGHRUE, MION, ZINN,  
MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3202  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

  
Alan J. Kasper  
Registration No. 25,426

Date: February 5, 2001

# **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name: that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought in the application entitled:

**SOLID STATE ELECTRIC GENERATOR USING RADIONUCLIDE-INDUCED EXCITON PRODUCTION**

which application is:

☐ the attached application  
 (for original application)

X Application No. PCT/US99/00380  
 filed January 15, 1999 and amended on \_\_\_\_\_

(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application under 37 C.F.R. 1.56, that I hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number <u>60/071,667</u>	Country <u>US</u>	Filing Date <u>January 16, 1998</u>	Priority Claimed <u>YES</u>
---	----------------------	--	--------------------------------

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Filing Date	Status
-----------------	-------------	--------

I hereby appoint John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603 and George F. Lehnigk, Reg. No. 36,359, my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and request that all correspondence about the application be addressed to **SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC**, 2100 Pennsylvania Avenue, N.W., Washington, D.C. 20037-3213.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date _____	First Inventor _____	Mark _____	A. _____	PRELAS _____
		First Name	Middle Initial	Last Name
Residence _____	<u>506 Laurel Drive</u>	<u>Columbia, Missouri 65203</u>	Signature _____	
	City	State/Country		
Post Office Address: _____	<u>506 Laurel Drive</u>			
	<u>Columbia, Missouri 65203</u>			
Citizenship _____	<u>US</u>			
Date _____	Second Inventor _____	<u>John</u>	<u>Sved</u>	
		First Name	Middle Initial	Last Name

Residence Falken Strasse 3 27755 Delmenhorst, Germany Signature  
City State/Country

Post Office Address: Falken Strasse 3  
27755 Delmenhorst, GERMANY

Citizenship AU

Date Third Inventor Howard J. JENNINGS  
First Name Middle Initial Last Name

Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
City WA3 6AS, ENGLAND State/Country

Post Office Address: British Nuclear Fuels, PLC  
Risley, Warrington, Cheshire WA3 6AS, ENGLAND

Citizenship GB

Date Fourth Inventor Allister DANN  
First Name Middle Initial Last Name

Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
City WA3 6AS, ENGLAND State/Country

Post Office Address: British Nuclear Fuels, PLC  
Risley, Warrington, Cheshire WA3 6AS, ENGLAND

Citizenship GB

Date 20 JANUARY 2001 Fifth Inventor Andrew W. MOUNTEORD  
First Name Middle Initial Last Name

Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
City WA3 6AS, ENGLAND State/Country

Post Office Address: British Nuclear Fuels, PLC  
Risley, Warrington, Cheshire WA3 6AS, ENGLAND

Citizenship GB

ENG

05 FEB 2001

09/600279

PCT  
SOLE/JOINT**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name: that I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought in the application entitled:

**SOLID STATE ELECTRIC GENERATOR USING RADIONUCLIDE-INDUCED EXCITON PRODUCTION**

which application is:

☐ the attached application

(for original application)

X Application No. PCT/US99/00380filed January 15, 1999 and amended on(for declaration not accompanying application)

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims, as amended by any amendment referred to above; that I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application under 37 C.F.R. 1.56, that I hereby claim priority benefits under Title 35, United States Code §119, §172 or §365 of any provisional application or foreign application(s) for patent or inventor's certificate listed below and have also identified on said list any foreign application for patent or inventor's certificate on this invention having a filing date before that of any foreign application on which priority is claimed:

Application Number  
60/071,667Country  
USFiling Date  
January 16, 1998Priority Claimed  
YES

I hereby claim the benefit of Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in a listed prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge my duty to disclose any information material to the patentability of this application under 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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Filing Date

Status

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Date \_\_\_\_\_ First Inventor \_\_\_\_\_ Mark \_\_\_\_\_ A \_\_\_\_\_ PRELAS \_\_\_\_\_  
First Name Middle Initial Last Name

Residence 506 Laurel Drive Columbia, Missouri 65203 Signature \_\_\_\_\_  
City State/Country

Post Office Address: 506 Laurel Drive  
Columbia, Missouri 65203

Citizenship US

2-10 Date JANUARY 7TH 2001 Second Inventor John Sved  
First Name Middle Initial Last Name  
Residence Falken Strasse 3 27755 Delmenhorst, Germany Signature [Signature]  
City State/Country  
Post Office Address: Falken Strasse 3 DE  
27755 Delmenhorst, GERMANY  
Citizenship AU

Date \_\_\_\_\_ Third Inventor Howard J. JENNINGS  
First Name Middle Initial Last Name  
Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
WA3 6AS, ENGLAND  
City State/Country  
Post Office Address: British Nuclear Fuels, PLC  
Risley, Warrington, Cheshire WA3 6AS, ENGLAND  
Citizenship GB

Date \_\_\_\_\_ Fourth Inventor Allister DANN  
First Name Middle Initial Last Name  
Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
WA3 6AS, ENGLAND  
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Post Office Address: British Nuclear Fuels, PLC  
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Date \_\_\_\_\_ Fifth Inventor Andrew MOUNTFORD  
First Name Middle Initial Last Name  
Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature  
WA3 6AS, ENGLAND  
City State/Country  
Post Office Address: British Nuclear Fuels, PLC  
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60/071,667

Country  
US

Filing Date  
January 16, 1998

Priority Claimed  
YES

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12/17/00 Date First Inventor Mark A. PRELAS  
First Name Middle Initial Last Name  
Residence 506 Laurel Drive Columbia, Missouri 65203 Signature Mark C. Prelas  
City State/Country  
Post Office Address: 506 Laurel Drive  
Columbia, Missouri 65203 MD  
Citizenship US

05 FEB 2001

09/600272

PCT  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date	_____	First Inventor	_____	Mark	_____	A.	PRELAS
				First Name		Middle Initial	Last Name
Residence	<u>506 Laurel Drive</u>	<u>Columbia, Missouri 65203</u>	Signature	_____			
	City	State/Country					
Post Office Address:	<u>506 Laurel Drive</u>						
	<u>Columbia, Missouri 65203</u>						
Citizenship	<u>US</u>						

Date \_\_\_\_\_ Second Inventor John Sved  
First Name Middle Initial Last Name  
Residence Falken Strasse 3 27755 Delmenhorst, Germany Signature \_\_\_\_\_  
City State/Country  
Post Office Address: Falken Strasse 3  
27755 Delmenhorst, GERMANY  
Citizenship AU

311  
Date \_\_\_\_\_ Third Inventor Howard T. JENNINGS  
First Name Middle Initial Last Name  
Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature Howard T. Jennings  
City State/Country WA3 6AS, ENGLAND  
Post Office Address: British Nuclear Fuels, PLC ENG  
Risley, Warrington, Cheshire WA3 6AS, ENGLAND  
Citizenship GB

Date \_\_\_\_\_ Fourth Inventor Allister DANN  
First Name Middle Initial Last Name  
Residence British Nuclear Fuels, PLC Risley, Warrington, Cheshire Signature \_\_\_\_\_  
City State/Country WA3 6AS, ENGLAND  
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